

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C) .No. 16405 of 2007 (C)

PETITIONER:

M/S HOTEL PERIYAR LTD., ALUVA-683101,
ERNAKULAM DISTRICT, REPRESENTED BY ITS DIRECTOR
K.M.MOHAMMED SHERIFF, PADHOOR HOUSE, THEKKIL P.O.,
KASARAGOD.

BY ADV. SRI.K.BABU THOMAS

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE SECRETARY
TO THE GOVERNMENT, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM.
3. THE TAHSILDAR, ALUVA TALUK,
ALUVA, ERNAKULAM.
4. THE DEPUTY TAHSILDAR, ALUVA TALUK,
ALUVA, ERNAKULAM.
5. THE VILLAGE OFFICER,
VILLAGE OFFICE, ALUVA WEST VILLAGE,
ALUVA.
6. THE DEPUTY DIRECTOR OF SURVEY AND
LAND RECORDS, COLLECTORATE, ERNAKULAM.

BY ADV. SRI.M.C.SEN
G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16405 of 2007

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Dated this the 8th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P6 notice issued to the petitioner under the Kerala Land Conservancy Act. The petitioner apprehends that the petitioner would be evicted from the property in question without hearing the petitioner and without passing orders as contemplated under the Kerala Land Conservancy Act.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. Since the petitioner has a right of being heard before orders are passed finally, it is only in the interest of justice that the third respondent considers the objections of the petitioner, gives an opportunity to adduce evidence, opportunity of being heard, and passes a speaking order. Therefore, further proceedings

pursuant to Ext.P6 shall only be after the said process is completed in compliance with the Kerala Land Conservancy Act and Rules. The petitioner also seeks a direction to the third respondent to give them a copy of the survey plan. It would be open to the petitioner to move the third respondent for a copy of the survey plan, in which case, the third respondent shall consider and pass appropriate orders thereon.

Writ petition is disposed of as above.

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S.SIRI JAGAN, JUDGE